

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GREGORY S. TIFT,

Plaintiff,

v.

PETER P. MCFADDEN et al.,

Defendants.

CASE NO. 2:23-cv-00999-TL

ORDER TO SHOW CAUSE FOR
FAILURE TO SERVE DEFENDANTS
AND LACK OF RULE 11
CERTIFICATION

On June 30, 2023, Plaintiff Gregory Tift filed a complaint seeking to have this Court “Quash the Summons issued to Bank of America and order damages against the IRS employee Peter P. McFadden and the United States of America, Aka Department of Treasury, Internal Revenue Service.” Dkt. No. 1 at 1. Mr. Tift named Peter P. McFadden, the United States of America, and the Internal Revenue Service as defendants, and listed Bank of America as a “Nominal Defendant.” *Id.* Mr. Tift requested issuance of summons for only the first three of these defendants. *See* Dkt. No. 1-3, 1-4, 1-5. The Court issued summons for the three requested defendants on July 6, 2023. Dkt. No. 3.

1 Under Rule 4 of the Federal Rules of Civil Procedure, “[a] summons—or a copy of a
2 summons that is addressed to multiple defendants—must be issued for each defendant to be
3 served.” Fed. R. Civ. P. 4(b). For any defendant whom a plaintiff fails to serve within 90 days
4 after filing the complaint, “the court—on motion or on its own after notice to the plaintiff—must
5 dismiss the action without prejudice against that defendant or order that service be made within a
6 specified time.” *Id.* at 4(m). Proof of service in this case was due by no later than September 28,
7 2023.

8 While the Court acknowledges that Mr. Tift is proceeding *pro se* (without an attorney),
9 all litigants are required to comply with Court and procedural rules. Mr. Tift is especially well-
10 equipped to do so, given his extensive experience litigating cases in this District. *See Gregory S.*
11 *Tift v. Michael D. Ball, et al.*, C07-276, 2008 WL 11389469 at *3 (W.D. Wash. May 16, 2008)
12 (listing the six cases Mr. Tift had previously filed in this District as of 2008). Further, Mr. Tift
13 previously has filed at least two other lawsuits in this District to quash subpoenas from the IRS
14 to Bank of America at different time periods, demonstrating his familiarity with how to serve the
15 summons on these defendants. *See Tift v. Internal Revenue Serv. & Richard Ped*, C11-1673, Dkt.
16 No. 1 (W.D. Wash. Oct. 6, 2011); *Tift v. Internal Revenue Serv. & Mel Hammer*, C08-332, Dkt.
17 No. 1 (W.D. Wash. Feb. 26, 2008).

18 Mr. Tift is also subject to a Bar Order, which requires him to include alongside his filing
19 of any claim in this District a “Rule 11 Certification” providing the factual and legal basis for the
20 claim and detailing how that claim falls outside of the Bar Order’s scope. *See Tift v. Ball*, 2008
21 WL 11389469 at *6. Mr. Tift failed to submit the required certification with his complaint.

22 The Court therefore ORDERS Plaintiff to:

- 23 1. For each Defendant, FILE either proof of service or waiver, or to SHOW CAUSE why
24 service has not been completed;

1 2. SHOW CAUSE why Bank of America, for whom no summons has even been requested,
2 should not be immediately dismissed as a defendant; and

3 3. COMPLETE and FILE a Rule 11 Certification as required to maintain this case.

4 Failure to respond to any of the Court's inquiries as directed **by Monday, November 13,**
5 **2023**, will result in this case being dismissed.

6 Dated this 30th day of October 2023.

7 

8 _____
9 Tana Lin
United States District Judge